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इस भाग में जिस पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 3rd August, 1993:—

BILL NO. LXVIII OF 1993

A Bill to regulate the operation of cable television networks in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Cable Television Networks (Regulation) Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "cable operator" means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;

(*b*) "cable service" means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;

(*c*) "cable television network" means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

(*d*) "company" means a company as defined in section 3 of the Companies Act, 1956; 1 of 1956.

(*e*) "person" means—

(*i*) an individual who is a citizen of India;

(*ii*) an association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India;

(*iii*) a company in which not less than fifty-one per cent. of the paid-up share capital is held by the citizens of India;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "programme" means any television broadcast and includes—

(*i*) exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players;

(*ii*) any audio or visual or audio-visual live performance or presentation,

and the expression "programming service" shall be construed accordingly;

(*h*) **"registering authority" means such authority as the Central Government may, by notification in the Official Gazette, specify to perform the functions of the registering authority under this Act;**

(*i*) "subscriber" means a person who receives the single of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person.

CHAPTER II

REGULATION OF CABLE TELEVISION NETWORK

Cable television network not to be operated except after registration.

3. No person shall operate a cable television network unless he is registered as a cable operator under this Act:

Provided that a person operating a cable television network, immediately before the commencement of this Act, may continue to do so for a period of ninety days from such commencement; and if he has made an application for registration as a cable operator under section 4 within the said period, till he is registered under that section or the registering authority refuses to grant registration to him under that section.

Registration as cable operator.

4. (*1*) Any person who is operating or is desirous of operating a cable television network may apply for registration as cable operator to the registering authority.

(*2*) An application under sub-section (*1*) shall be made in such form and be accompanied by such fee as may be prescribed.

(*3*) On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the required information and on being so satisfied register the applicant as a cable operator and grant to him a certificate of such registration:

Provided that the registering authority may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant registration to him if it is satisfied that he does not fulfil the condition specified in clause (e) of section 2.

Programme code.

5. No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.

Advertisement code.

6. No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code.

Maintenance of register.

7. Every cable operator shall maintain a register in the prescribed form indicating therein in brief the programmes transmitted or re-transmitted through the cable service during a month and such register shall be maintained by the cable operator for a period of one year after the actual transmission or re-transmission of the said programmes.

Compulsory transmission of one Doordarshan channel.

8. (*1*) Every cable operator using a dish antenna or Television Receive only shall, from the commencement of this Act, re-transmit at least one Doordarshan channel of his choice through the cable service.

(*2*) The Doordarshan channel referred to in sub-section (*1*) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channel.

Use of standard equipment in cable television network.

9. No cable operator shall, on and from the date of the expiry of a period of one year from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986, use any equipment in his cable television network unless such equipment conforms to the said Indian Standard.

63 of 1986.

Cable television network not to interfere with any telecommunication system.

10. Every cable operator shall ensure that the cable television network being operated by him does not interfere, in any way, with the functioning of the authorised telecommunication systems.

CHAPTER III

SEIZURE AND CONFISCATION OF CERTAIN EQUIPMENT

Power to seize equipment used for operating the cable television network.

11. (*1*) If any officer, not below the rank of a Group 'A' officer of the Central Government authorised in this behalf by the Government (hereinafter referred to as the authorised officer), has reason to believe that the provisions of section 3 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network.

(*2*) No such equipment shall be retained by the authorised officer for a period exceeding ninety days from the date of its seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure has been made, has been obtained for such retention.

Confiscation.

12. The equipment seized under sub-section (*1*) of section 11 shall be liable to confiscation unless the cable operator from whom the equipment has been seized registers himself as a cable operator under section 4 within a period of thirty days from the date of seizure of the said equipment.

Seizure or confiscation of equipment not to interfere with other punishment.

13. No seizure or confiscation of equipment referred to in section 11 or section 12 shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act.

Giving of opportunity to the cable operator of seized equipment.

14. (*1*) No order adjudicating confiscation of the equipment referred to in section 12 shall be made unless the cable operator has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such equipment and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice against the confiscation and if he so desires of being heard in the matter:

Provided that where no such notice is given within a period of ninety days from the date of the seizure of the equipment, such equipment shall be returned after the expiry of that period to the cable operator from whose possession it was seized.

(*2*) Save as otherwise provided in sub-section (*1*), the provisions of the Code of Civil Procedure, 1908 shall, so far as may be, apply to every proceeding referred to in sub-section (*1*). 5 of 1908

Appeal.

15. (*1*) Any person aggrieved by any decision of the court adjudicating a confiscation of the equipment may prefer an appeal to the court to which an appeal lies from the decision of such court.

(*2*) The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or revising the decision appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence if necessary.

(*3*) No further appeal shall lie against the order of the court made under sub-section (*2*).

CHAPTER IV

OFFENCES AND PENALTIES

Punishment for contravention of provisions of this Act.

16. Whoever contravenes any of the provisions of this Act shall be punishable,—

(*a*) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;

(*b*) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

Offences by companies.

17. (*1*) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm means a partner in the firm.

Cognizance of offences.

18. No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by such officer, not below the rank of a Group 'A' officer of the Central Government, as the State Government may, by notification in the Official Gazette, specify in this behalf.

CHAPTER V

MISCELLANEOUS

Power to prohibit transmission of certain programmes in public interest.

19. Where an officer, not below the rank of a Group 'A' officer of the Central Government authorised by the State Government in this behalf, thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any cable operator from transmitting or re-transmitting any particular programme if it is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmoney or feelings of comity hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquillity.

Power to prohibit operation of cable television network in public interest.

20. Where the Central Government thinks it necessary or expedient so to do in public interest, it may prohibit the operation of any cable television network in such areas as it may, by notification in the Official Gazette, specify in this behalf.

Application of other laws not barred.

21. The provisions of this Act shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940, the Pharmacy Act, 1948, the Emblems and Names (Prevention of Improper Use) Act, 1950, the Drugs (Control) Act, 1950, the Cinematograph Act, 1952, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Prevention of Food Adulteration Act, 1954, the Prize Competitions Act, 1955, the Copyright Act, 1957, the Trade and Merchandise Marks Act, 1958, the Indecent Representation of Women (Prohibition) Act, 1986 and the Consumer Protection Act, 1986.

23 of 1940.
8 of 1948.
12 of 1950.
26 of 1950.
37 of 1952
21 of 1954.
37 of 1954.
42 of 1955.
14 of 1957.
43 of 1958.
60 of 1986.
68 of 1986.

Power to make rules.

22. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the form of application and the fee payable under sub-section (2) of section 4;

(b) the programme code under section 5;

(c) the advertisement code under section 6;

(d) the form of register to be maintained by a cable operator under section 7;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There has been a haphazard mushrooming of cable television networks all over the country during the last few years as a result of the availability of signals of foreign television networks *via* satellites. This has been perceived as a "cultural invasion" in many quarters since the programmes available on these satellite channels are predominantly western and totally alien to our culture and way of life. Since there is no regulation of these cable television networks, lot of undesirable programmes and advertisements are becoming available to the viewers without any kind of censorship.

2. It is also felt that the subscribers of these cable television networks, the programmers and the cable operators themselves are not aware of their rights, responsibilities and obligations in respect of the quality of service, technical as well as content-wise, use of material protected by copyright, exhibition of uncertified films, protection of subscribers from anti-national broadcasts from sources inimical to our national interest, responsiveness to the genuine grievances of the subscribers and a perceived willingness to operate within the broad framework of the laws of the land, *e.g.*, the Cinematograph Act, 1952, the Copyright Act, 1957, Indecent Representation of Women (Prohibition) Act, 1986.

3. It is, therefore, considered necessary to regulate the operation of cable television networks in the entire country so as to bring about uniformity in their operation. It will thus enable the optimal exploitation of this technology which has the potential of making available to the subscribers a vast pool of information and entertainment.

4. The Bill seeks to achieve the above objects.

K. P. SINGH DEO.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for registration of a person who is operating or is desirous of operating a cable television network as cable operator. The application for registration will be made by such person to the registering authority which will be specified by the Central Government under sub-clause (*h*) of clause 2. As there is no reliable estimate of the total number of cable operators in the country, it is not possible at this stage to indicate as to how many applications will be made to the registering authority and the quantum of work involved in the processing of such applications. It is, therefore, not practicable at this juncture to indicate the precise amount of expenditure which will be involved in processing the said applications. However, the expenditure involved in processing the said applications will be met out of the fees which the applicants will deposit along with the applications for registration. Thus no Government budgetary support will be necessary in implementing the provisions of the Bill when enacted.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill empowers an officer not below the rank of a Group 'A' officer of the Central Government authorised by the State Government, to prohibit, in public interest, any cable operator from transmitting or re-transmitting any particular programme if such officer thinks that the programme is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or is likely to disturb the public tranquillity. Clause 20 of the Bill empowers the Central Government to prohibit, in public interest, the operation of any cable television network in such areas as it may, by notification in the Official Gazette, specify in this behalf. Clause 22 of the Bill empowers the Central Government to make rules prescribing (i) the form of application for registration as cable operator and the fee payable along with such application under clause 4; (ii) the programme code which will be complied with by any person while transmitting or re-transmitting any programme through a cable service; (iii) the advertisement code which will be complied with by any person while transmitting or re-transmitting any advertisement through a cable service; (iv) the form of register required to be maintained by cable operators under section 7; and (v) any other matter which is required to be prescribed.

2. The matters in respect of which orders or notifications may be issued or rules may be made in accordance with the aforesaid provisions are matters of procedure and detail and it is not practicable to provide for them in the Bill itself.

3. The delegation of legislative power is, therefore, of a normal character.

V. S. RAMA DEVI,
Secretary-General.

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